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PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313 on October 17, 2006.

Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
AND PRELIMINARY AMENDMENT
Examining Group 1623
Patent Application
Docket No. MET-016XDT
Serial No. 10/780,948

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Patrick T. Lewis, Ph.D.
Art Unit	:	1623
Applicants	:	Mark D. Erion, Paul D. van Poelje
Serial No.	:	10/780,948
Filed	:	February 17, 2004
Conf. No.	:	2285
For	:	Combination of FBPase Inhibitors and Insulin Sensitizers for the Treatment of Diabetes

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121 AND PRELIMINARY AMENDMENT

Sir:

A Petition and Fee for a one-month Extension of Time through and including October 17, 2006, accompanies this Election.

In response to the written Restriction Requirement dated August 17, 2006 in the above-identified patent application, Applicants hereby elect Compound H and troglitazone (a thiazolidinedione), without traverse.

Prior to examination, Applicants respectfully request that the subject application be amended as follows:

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AMENDMENT TRANSMITTAL LETTER			ATTORNEY'S DOCKET NO. MET-016XDT
SERIAL NO. 10/780,948	FILING DATE February 17, 2004	EXAMINER Patrick T. Lewis, Ph.D.	GROUP ART UNIT 1623
INVENTION Combination of FBPase Inhibitors and Insulin Sensitizers for the Treatment of Diabetes			

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ Applicants claim small entity status.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.
- ☒ The fee has been calculated as shown below:

(1)		(2)		(3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		RATE	ADDIT. FEE
TOTAL	* 68	MINUS	** 47	21	$25	$0.00		$50	$1,050.00
INDEP.	* 6	MINUS	*** 6	0	$100	$0.00		$200	$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					$180	$0.00		$360	$0.00
					Total addit. Fee	$0.00	OR	Total addit. fee	$1,050.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the Highest No. Previously Paid For IN THIS SPACE is less than 20, enter "20."
*** If the Highest No. Previously Paid For IN THIS SPACE is less than 3, enter "3."
The Highest No. Previously Paid For (Total or Indep.) is the highest number found in the appropriate box in Col. 1.

- ☒ Please charge my Deposit Account No. 19-0065 in the amount of $ 1,050.00 .
- ☐ A check in the amount of $_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0065. Two copies of this Letter are enclosed.
 - ☒ Any additional filing fees required under 37 CFR 1.16.
 - ☒ Any patent application processing fees under 37 CFR 1.17.

October 17, 2006
(date)

Frank C. Eisenschenk, Ph.D., Reg. No. 45,332